



DEPARTMENT OF THE NAVY
NAVY RECRUITING COMMAND
5722 INTEGRITY DR.
MILLINGTON, TN 38054-5057

COMNAVCRUITCOMINST 5354.2B
00IG02/00J
19 Aug 2009

COMNAVCRUITCOM INSTRUCTION 5354.2B

From: Commander, Navy Recruiting Command

Subj: SEXUAL HARASSMENT POLICY

Ref: (a) Manual for Courts-Martial (2008 Edition)
(b) SECNAVINST 5300.26
(c) U. S. Navy Regulations 1990
(d) COMNAVCRUITCOMINST 5354.1

1. Purpose. To provide comprehensive policy and procedures regarding Sexual Harassment within Navy Recruiting Command.
2. Cancellation. COMNAVCRUITCOMINST 5354.2A.
3. Application. This instruction applies to all personnel assigned or attached to all Navy Recruiting Command activities. To the extent any other regulation issued by Navy Recruiting Command (NAVCRUITCOM) or a subordinate command conflicts with this instruction, this directive shall govern.
4. Discussion. NAVCRUITCOM is committed to promoting an environment free of inappropriate and unacceptable behavior of a sexual nature within the Navy Recruiting Command. Sexual harassment is a form of sex discrimination. Sound leadership is the key to eliminating all forms of discrimination and must be the cornerstone of the effort to prevent and eliminate sexual harassment.
5. Policy. Sexual harassment will not be tolerated. Reported incidents of sexual harassment will be expeditiously investigated in a sensitive manner.
6. Punitive Effect. Commission of one or more of the prohibited practices by personnel attached to NAVCRUITCOM and their subordinate commands constitutes a violation of Article 92, Uniform Code of Military Justice, and references (a) through (d).

7. Accountability. No individual in the command shall:

a. Commit sexual harassment toward military personnel, DoD civilian personnel, DEP personnel, applicants, or any other person.

b. Take reprisal action against a person who provides information on an incident of alleged sexual harassment.

c. Knowingly make false accusations of sexual harassment.

d. While in a supervisory or command position, condone or ignore sexual harassment of which they have knowledge or reason to have knowledge of.

8. Responsibility

a. Managers and supervisors are responsible for, and must be committed to, preventing sexual harassment in their work environment. They must not ignore or condone sexual harassment in any form, and they must take whatever action is required to ensure that a victim of sexual harassment is not subsequently also the victim of reprisal or retaliation. These responsibilities regarding sexual harassment are also a part of a broader responsibility to foster a positive climate and take appropriate action when the conduct is disruptive, provoking, discriminatory, or otherwise unprofessional.

b. Individuals who believe they have been sexually harassed are encouraged to address their concern or objection regarding the incident directly with the person(s) demonstrating the harassing behavior. Persons who are subjected to, or observe objectionable behavior, should promptly notify the chain of command if:

(1) They perceive that sexual harassment has occurred;

or

(2) The objectionable behavior does not stop; or

(3) The situation is not resolved; or

(4) Addressing the objectionable behavior directly with the person(s) concerned is not reasonable under the circumstances; or

(5) The behavior is clearly criminal in nature.

c. All personnel are responsible for treating others with mutual respect and dignity. This means fully and faithfully complying with Navy policies and this instruction. All Department of Navy personnel will be held accountable and responsible for their actions.

d. If the person demonstrating the objectionable behavior continues their behavior, or if the chain of command condones the conduct or ignores a report, individuals who have been subjected to (or who observe) objectionable behavior are encouraged to promptly communicate the incident through the NAVCRUITCOM Equal Opportunity Advisor (EOA), or the NAVCRUITCOM Inspector General's hotline.

9. Action. Commanding Officers/Activity Heads will:

a. Ensure wide distribution of this instruction to military and civilian personnel under their cognizance, to include posting on official command bulletin boards.

b. Establish and implement an aggressive sexual harassment training program, which fully meets Navy requirements. Training will be provided to both civilian and military personnel on positive actions to create and maintain a work place free from sexual harassment. This training is available from servicing Human Resources Offices, Equal Employment Opportunity Offices, and the Equal Opportunity Advisor. Muster sheets must be maintained for all training provided for at least 12 months.

c. Investigate all allegations of sexual harassment.

d. Ensure all managers, supervisors, and personnel in a leadership position are held responsible, through performance evaluations, for creating and maintaining a work environment free from sexual harassment.

e. Take appropriate administrative and/or disciplinary action against personnel who violate this policy.

f. Provide a quarterly report (prepared by the command CMEO manager) to NAVCRUITCOM 00IG02 of all allegations of formal or informal sexual harassment complaints and the action(s) taken to correct the situation. Reports will be in letter format and are to be received by NAVCRUITCOM 00IG02 NLT 15 April, 15

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July, 15 October, and 15 January. Negative reports are required. Formal complaints will be reported as they occur. Report Control Symbol 5354-1 has been assigned to this report and is effective until 1 December 2011.

g. Ensure an effective system is in place to resolve complaints of sexual harassment at the lowest possible level. The system will:

(1) Ensure CMEO managers are involved in the process of all sexual harassment complaints.

(2) Emphasize the individual accountability of the complainant, the accused, co-workers, and the chain of command.

(3) Clarify the roles for all personnel involved in the complaint process (complainant, accused, supervisor, etc.).

(4) Incorporate the concepts of a reprisal-free environment, timely resolution, and appropriate feedback to all parties. Due to the volatile and potentially damaging nature of the allegations, confidentiality will be maintained to the extent possible without thwarting a resolution.

h. Ensure sexual harassment cases are processed in a timely manner.

(1) Investigations of sexual harassment complaints (whether formal or informal) will commence within three working days of the initial notification. Prompt action is in the best interest of the command, the complainant, and the accused. Utilize the Informal Resolution System (IRS) NAVPERS 15620 when resolving any informal complaints. The CMEO manager shall be involved in the entire process.

(2) Notification to the complainant of commencement of investigation must take place on the same day it is begun. The command's goal is to reveal the truth and produce a just resolution. At this time, the complainant is also instructed to notify the chain of command immediately if there are indications of reprisal.

(3) Once a complaint becomes formal, a Situation Report (SITREP) shall be submitted via the chain of command. Completion of the investigation, determination of the validity of the charges, holding of any resulting non-judicial

punishment, preferring of charges if a court-martial is contemplated, notification to the accused and accuser of command decisions should be completed no later than 20 working days from investigation commencement.

(4) If the command cannot meet processing time goals while conducting a formal investigation, the command must submit a follow-up SITREP on the 20th day and every 14 days thereafter until the final resolution is implemented. The reporting requirements should not be viewed as placing the command on report. The ultimate goal remains a fair, timely, and just resolution of the matter.

10. Definitions

a. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, quid pro quo, and other verbal or physical conduct of a sexual nature among members of NAVCRUITCOM, recruiting personnel and prospects, applicants, or Delayed Entry Program (DEP) personnel when, but not limited to:

(1) Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of a person's job, pay, or career; or

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive, training, working, or recruiting environment; or

(4) Using sexually explicit or sexually offensive language in a recruiting environment, work place, or the presence of anyone known to be a prospect, applicant, or DEP personnel; or

(5) Displaying sexually oriented posters, calendars, photographs, drawings, or materials of nude or partially clad individuals in a non-recruiting, recruiting or a training environment.

b. Recruiting Personnel. All Officers, Warrant Officers, Enlisted, and DoD Civilian personnel assigned or attached to any Navy Recruiting Command activity.

c. Prospect

(1) Any person who has expressed to recruiting personnel an interest in enlisting or receiving an appointment in the U. S. Navy or U. S. Navy Reserve and who appears to possess, or who may in the future possess, the potential and qualification for enlistment or appointment in the U. S. Navy or U. S. Navy Reserve.

(2) An individual who expresses a loss of interest in enlistment or appointment shall continue to be a prospect under this instruction for a period of one year from the date they express this loss of interest to recruiting personnel.

(3) Individuals who may in the future possess the potential and qualifications for enlistment or appointment include, but are not limited to, individuals who do not meet minimum age requirements, who scored too low on the qualification testing but will be eligible to retest, or who have not completed their education.

(4) An individual who expresses an interest in enlistment or appointment but is permanently barred under existing regulations is not a prospect.

d. Applicant. Any person who has commenced processing for enlistment or appointment in any of the Armed Forces by beginning to complete a DD Form 1966, NAVCRUIT 1100/11, or comparable form.

e. DEP Personnel. Any person who accesses into the Delayed Entry Program of any of the Armed Forces and has agreed to commence active duty or active duty for training at a later date.

f. Recruiting Environment. Any function, gathering or meeting, in a public or private place, that recruiting personnel attend in their official capacity.

g. Hostile Environment. A work atmosphere, which is offensive, intimidating, or abusive to another person.

h. Career or Employment Decisions. A decision, which concerns some aspect of the qualified rating, employment, career, pay, duty assignment, benefits, or privileges, afforded to recruiting personnel, applicants, and DEP personnel.

i. Sex Discrimination. The practice of wrongfully treating men and women differently in the work place, solely because of their sex. Sexual harassment of both men and women is a form of discrimination.

j. "Quid Pro Quo" or "This for That." A type of sexual harassment that occurs when submitting to or rejecting such behavior is used as a basis for decisions affecting any person's employment, job, pay, or career. This could be a promise of employment, a promotion, a threat of or an actual demotion, a duty assignment, or a positive or negative performance evaluation.

k. Work Environment. The workplace or any other place that is work-connected. Conditions or atmosphere under which people are required to work. This includes, but is not limited to command-sponsored social, recreational and sporting events, regardless of location.

l. Sexual Favors. Sexual privileges that are granted or conceded in the work environment.

Note: Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of recruiting personnel, applicant, prospect, or DEP personnel is engaging in sexual harassment. Similarly, any recruiting personnel who make deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature are also engaging in sexual harassment.

11. Point of Contact. For Civilian Sexual Harassment issues contact NAVCRUITCOM Human Resources Office or CNP EEO Office, Millington commercial (901)874-5925. Contractors are to communicate with their respective Human Resource Office and the point of contact for Military Sexual Harassment issues is the NAVCRUITCOM Equal Opportunity Advisor (EOA), 00IG02, DSN 882-9089 or commercial (901)874-9089.

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12. Reports. The quarterly Sexual Harassment Report, paragraph 9.f., has been assigned Report Control Symbol 5354-1.

/s/
R. R. BRAUN

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